

GUTTENPLAN & JULIAN PLLC
ATTORNEYS AT LAW

2001 Marcus Avenue, Suite N125, Lake Success, New York 11042

KENNETH S. GUTTENPLAN
KEN@GJLAWOFFICE.COM

TEL: (516) 616-1155

KATHLEEN F. JULIAN
KATHY@GJLAWOFFICE.COM

FAX: (516) 616-9797

April 30, 2018

VIA ECF FILING

Hon. Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Jennette et ano v. Kevin Davis, et al.
File No.: 18-CV-2291 (KAM) (CLP)

Dear Honorable Madam:

On April 18, 2018, I filed the Verified Complaint in the above referenced matter on the grounds of diversity jurisdiction. On April 24, 2018, I received an Order from the Court indicating that I would need to show cause before May 4, 2018, as to why this action should not be dismissed for lack of subject matter jurisdiction.

The case law indicated in the Order stated that a “complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company” (quoting New Millennium Capital Parnters III, LLC v. Juniper Grp. Inc. (citation omitted)).

In the complaint, there are 21 Defendant LLC's. For each defendant LLC I listed the State of organization and principal registered address. The individual defendant, Kevin Davis, is the sole and managing member of each of the LLC's. This allegation is plead at paragraph 30. At paragraph 7, I list the residence of Mr. Davis.

As such, I'm confused as to what further allegations are required in order to establish diversity citizenship as, based upon the case law stated.

As this matter is premised mainly on diversity jurisdiction, I do not believe it would survive a challenge based upon subject matter jurisdiction.

I would greatly appreciate the Court's guidance.

Respectfully submitted,

GUTTENPLAN & JULIAN PLLC

By: Kathleen F. Julian

KFJ:md